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*Attorneys for Defendant,*  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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LUCIA CANDELARIO, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

v.

VITA-MIX CORPORATION,

Defendant.

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:  
: Civil Action No. 3:16-cv-02260-MAS-DEA  
: Honorable Michael A. Shipp  
: Honorable Douglas E. Arpert

**NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

**TO:** Gerald H. Clark, Esq.  
811 Sixteenth Avenue  
Belmar, NJ 07719  
Attorney for Plaintiff

**SIR:**

**PLEASE TAKE NOTICE** that on July 5, 2016 at 10 o'clock in the forenoon, or as soon thereafter as counsel may be heard, we shall apply to the United States District Court for the District of New Jersey for entry of an Order to Dismiss the Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that, in support of the motion, we shall rely upon the Certification of Zane C. Riester in Support of Vita-Mix Corporation's Motion to Dismiss the Complaint, with exhibits, and the Memorandum of Law in Support of Vita-Mix Corporation's Motion to Dismiss the Complaint, submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted with this motion.

McCARTER & ENGLISH, LLP  
*Attorneys for Defendant,*  
*Vita-Mix Corporation*

By: s/ David R. Kott  
David R. Kott  
Edward J. Fanning, Jr.  
Zane Riester  
Members of the Firm

Dated: May 31, 2016